



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

is sufficient, and if the voter is duly qualified and has not already voted at this election, the judge of election opens "the absent voter envelope in such manner as not to destroy the affidavit thereon," and takes out the ballot, and, "without unfolding the same or permitting the same to be opened or examined," deposits it in the ballot box to be counted as if cast by the voter in person; the voter's name is then checked on the voting list.

If the affidavit should prove to be insufficient, or if the signatures should fail to correspond, or if the voter should prove not a duly qualified elector of that precinct, such vote is not allowed, but "without opening the absent voter envelope," the election inspector marks across the face thereof, "Rejected as defective," or "Rejected as not an elector," as the case may be.

The law contains the further provision that the voter may mark his ballot before, as well as after, he leaves his own county; and that in case the voter unexpectedly returns to his precinct on or before election day, he shall be permitted to vote in person, "provided his ballot has not already been deposited in the ballot box." Appropriate penalties are of course provided for violations of the act and for false swearing.

P. ORMAN RAY,
Pennsylvania State College.

Constitutional Amendments: That we are witnessing a social, not to say a political revolution is indicated by the number and content of constitutional amendments proposed or adopted in recent years. The lack of uniformity in the methods of amendment as well as the irregularities as to publication of proposed amendments tend to cast doubt upon the results of any attempt at a correct enumeration of the year's product.

It would appear, however, that no less than two hundred amendments were acted upon in the various States either by legislatures, or the voters at the polls.

Since the year 1913 was a year of many legislative sessions and few elections, the proposals of amendments far outnumbered the adoptions. No less than 102 received legislative approval or were initiated by petition and referred to the people for vote in 1914; 44 more were proposed by legislatures and are awaiting the action of a second legislature before going to the people. During the year 56 amendments came up for final action and of these 38 were approved and became parts of the respective constitutions.

The constitutional output as enumerated above has been somewhat curtailed by court decisions. In Arkansas 9 sections in amendment were proposed by the legislature but it has been held by the supreme court of that State that but 3 amendments can be submitted to the people at any election. In Indiana, the legislature proposed 22 amendments which were referred to the legislature of 1915. Certain irregularities in legislative procedure have raised the question, still unsettled, whether these were properly proposed. Furthermore, under the constitution of the State when an amendment has been proposed and is awaiting a vote by the people, no new amendment can be proposed. It was recently uttered as dictum in the case of *Ellingham vs. Dye* (99 N. E. 1) that an amendment which has failed to secure a constitutional majority either for or against is still pending. An amendment voted on at the general election in 1910 failed of such constitutional majority and so is held to be still pending. In view of all these circumstances the status of the 22 Indiana amendments is, at least, not beyond question.

Of the 18 amendments relating to the structure and functions of the legislative department, 8 have reference to the pay of legislators. One prevalent form of petty graft is attacked by a California amendment which would limit the expenditures for legislative attachés. North Carolina is seeking to put an end to the flood of special, local and private acts including municipal charters which have inundated its statute books. South Dakota changes the legislative term from two to four years; Minnesota fixes the number and distribution of senators and in South Dakota the unwisdom of an ironclad limitation of sessions to sixty days has led to a proposal to stop the compensation at the end of sixty days. Indiana directs a codification of the laws. Details of procedure are the subject of the remaining amendments in the group.

Among those relating to the organization of the executive department no marked trend is noticeable. In Ohio an attempt to introduce the short ballot by making the governor and lieutenant-governor alone elective met with defeat. Likewise the proposal made in Pennsylvania to abolish the office of secretary of internal affairs leaving the various bureaus of that department as disconnected departments runs counter to the ideals of students of administration. But in Oklahoma the board of agriculture is reduced to five members. In Indiana it is proposed to extend the terms of various officers from two years to four years with ineligibility for a succeeding period of four years. Arkansas proposes to create the office of lieutenant-governor. Indiana would

permit the governor to veto specific clauses or items in bills. Ohio permitted women to serve on certain administrative boards but Massachusetts declined to permit women to serve as notaries.

The amendments relating to the judicial department are in most cases devoted to details of organization, increase in numbers, or changes in distribution. Indiana would permit the legislature to fix the judicial term at from six to twelve years. California would limit the setting aside of judgments or granting new trials to cases where such action is necessary to avoid a miscarriage of justice. In Nebraska it is proposed that in civil and minor criminal cases a verdict may be rendered by agreement of five-sixths of the jury while in Minnesota in a supreme court of seven, no statute could be declared unconstitutional without the concurrence of at least five justices.

The extension of the suffrage to women was defeated at the polls in Michigan and will be sent to popular vote in South Dakota in 1914. New York, Pennsylvania, Iowa and North Dakota have referred a like measure to a second legislature in 1915. Maryland has permitted the legislature to transfer the burden of guilt from the vote seller to the vote buyer. In Michigan provision is to be made for students, legislators and commercial travelers who wish to vote when absent from home. California prepares to provide a preferential ballot and Indiana would restrict the ballot to those who are citizens of the United States.

The initiative, referendum and recall still command their full share of attention. There seems a tendency to restrict by various devices the application of these popular expedients. In South Dakota, the percentage of voters necessary to secure action on both the initiative and the referendum is fixed at five. In North Dakota, two amendments embodying the initiative and referendum are offered. The initiative is secured to 25 per cent of the voters in each of one-half the counties of the State. Such measure, if not passed by the legislature, goes to the people as may any legislative act except an emergency measure on petition of 10 per cent in a majority of the counties. Referenda may be had only at regular elections and if rejected at the polls may not be offered again in six years.

Iowa allows the legislature to fix the percentage of the initiative between 12 and 22 per cent in each congressional district and for the referendum between 10 per cent and 20 per cent.

In Minnesota a constitutional amendment would be proposed to the legislature on petition of 2 per cent of the voters and if it be not submitted to the voters in the same form a petition of 8 per cent of the voters

will result in a referendum. Such amendment becomes operative if adopted by a majority of those voting at the election or by four-sevenths of those voting on the amendment if not less than three-sevenths of the total number voting vote on the amendment. In the case of statutes, 2 per cent is sufficient to initiate and if such law be not passed, the petition of 6 per cent will cause a referendum.

Michigan adopted a provision for an initiation of laws by 8 per cent which if not passed by the legislature may go to a referendum on petition of 5 per cent. The legislature may prepare a substitute act which shall be presented for approval along with the initiated measure. The same State provided for the initiative of constitutional amendments by petition of 10 per cent.

Wisconsin proposes an original scheme. Initiative must be through some member presenting the proposal in the legislature. If a constitutional amendment so proposed be not passed, a petition of 10 per cent of the voters will carry the measure to a referendum. In case of a statute presented as above, 8 per cent of the voters not over one-half of whom are in one county may procure a referendum.

Missouri would forbid the use of the initiative as a means of classifying property or of introducing the single tax. The referendum alone is provided for in Texas on petition of 20 per cent and in Massachusetts by the legislature itself. Michigan, Wisconsin and Indiana have provided for the recall of officers except judges; Minnesota and Kansas make no exception of judges.

The subject of finance and taxation gives rise to the largest number of amendments of any of the topics classified. The movement away from the uniform general property tax is indicated by the fact that Maine and Kentucky adopted provisions for the classification of property. One State, Pennsylvania, rejected the same and five others, Kansas, North Dakota, Nebraska, North Carolina and Indiana proposed the same to be voted on later. Colorado proposes to centralize its taxing system in the hands of a board of equalization; Oklahoma provides for a state tax in aid of common schools and Missouri would provide for both state and local special taxes for roads. In Wisconsin it is proposed to sell bonds to create a fund to be loaned on landed security to individuals for the purchase or improvement of farms. Other proposals in this group are for tax exemptions, funding operations and details of the tax system.

In both North Carolina and California propositions are made for incorporation of cities by general law while in Indiana it is proposed to

permit a return to the system of special charters. In Oklahoma, localities may vote on the organization or dissolution of township government. The introduction of the home-rule charter system in Wisconsin is proposed and in California home-rule charters for cities and counties are the subject of amendment. Matters of municipal indebtedness are touched on in nine adoptions or proposals in three of which debts contracted for self-sustaining utilities are not included in connection with constitutional debt limits.

Among the amendments affecting public works, highways claim the greatest measure of attention, no less than five States, Pennsylvania, Delaware, Michigan, Missouri and North Dakota having considered proposals looking to expenditures for that purpose. Sea walls, drains, irrigation, state printing plant, preservation of navigable waters, water supply and power and terminal elevators are all subjects of one or more proposals. The principle of excess condemnation is included in measures adopted in New York and Maryland and similar proposals are sent to the people in 1914 in California and Wisconsin. The growth of interest in questions of forest conservation is witnessed in two amendments in New York, one ratified by the people and one proposed relating to the administration of forest reserves while Minnesota would authorize the creation of forests on public lands and permit bounties on the propagation of forests on private lands. Other proposed amendments in Wisconsin, South Dakota, Oklahoma, and Minnesota relate to the utilization of public lands.

Vermont and North Carolina are going over from the granting of corporate charters by special act to the system of general law. Oklahoma has voted to modify her drastic corporation policy by which certain utility corporations may buy, sell, or lease their property or franchises. Indiana and California would make slight modifications on the subject of corporate regulation. Michigan has sought without success to secure constitutional sanction for firemen's pensions and Missouri is to vote on the unique proposition of pensions for the blind.

Labor amendments chiefly take the form of sanction for workmen's compensation systems, such having been adopted in New York and Vermont and proposed in California, Pennsylvania and Indiana. In 1913, Pennsylvania rejected an amendment allowing the enactment of laws regulating hours of labor, wages and conditions for workers for the State or any civil division or for contractors of the State and also permitting compensation for injuries. Kentucky voted to permit the working of convicts on roads and bridges.

Wisconsin by two amendments seeks authority to establish state insurance. Pennsylvania proposes a measure touching on land titles and Washington seeks to restrict land holding by aliens. North Dakota finds it desirable to ask popular sanction in four amendments for the location and naming of various educational and charitable institutions. North Carolina will vote on making a six months school compulsory.

The method of amendment is changed in Colorado to allow popular initiative but no more than six amendments may be voted on at once. Wisconsin proposes to adopt by a three-fifths vote of each house in one legislature followed by popular vote. An Indiana proposal seeks the same end and provides that a political party may declare for or against an amendment and have the fact placed on the ballot. Maine will allow a vote on amendments at general as well as special elections. The manner of calling conventions is dealt with in California and Indiana. North Carolina proposes certain verbal changes in her constitution and to omit certain obsolete matter, while in Vermont the supreme court has been instructed to consolidate existing amendments with the body of the constitution. In addition to these Vermont has added a section to her bill of rights prohibiting conviction of treason and felony by the legislature. California will regulate elections of United States senators, Indiana would admit negroes to the militia and authorize the legislature to regulate the practice of law.

Such is, in brief, the constitutional output for 1913. While a considerable number of these measures are of a fundamental character a greater proportion are a necessary consequence of the pernicious habit of loading our constitutions with provisions of a purely statutory character. There are as yet no indications of a cessation of that practice. Neither is there apparent any serious attempt to grapple with the present evils of legislative and administrative inefficiency and to seek to apply remedial measures.

A tabular presentation of the results of the year's constitution making is as follows:

SUBJECT	RECEIVING FINAL VOTE IN 1913		TO BE VOTED ON IN 1914	REFERRED TO A SECOND LEGISLA- TURE	TOTAL
	Admitted	Rejected			
Legislative department.....	5	1	10	2	18
Executive department.....	4	7	8	6	25
Judicial department.....	4	1	10	4	19
Suffrage and elections.....	1	1	3	7	12
Initiative, referendum and recall.	4	0	11	1	16
Finance and taxation.....	5	4	15	5	29
Local government including (State) local finance.....	2	1	15	4	22
Public works.....	3	1	11	2	17
Amendment and conventions...	1	0	3	2	6
Lands and forests.....	2	0	4	2	8
Corporations.....	2	0	2	1	5
Pensions (civil).....	0	1	1	0	2
Labor (including compensation).	3	1	1	2	7
Insurance.....	0	0	2	0	2
Land titles.....	0	0	1	1	2
Educational.....	0	0	2	1	3
Institutions.....	0	0	0	2	2
Verbal changes.....	1	0	2	0	3
Civil rights.....	1	0	0	0	1
Election of United States sena- tors.....	0	0	1	0	1
Militia.....	0	0	0	1	1
Admission to bar.....	0	0	0	1	1
Totals.....	38	18	102	44	202

FRANK G. BATES,
University of Indiana.